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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,035	07/22/2003	Carles Planas Valls	949.1099	9529
21831	7590	09/29/2005	EXAMINER	
STEINBERG & RASKIN, P.C. 1140 AVENUE OF THE AMERICAS, 15th FLOOR NEW YORK, NY 10036-5803				LITHGOW, THOMAS M
ART UNIT		PAPER NUMBER		

1724  
DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/625,035	PLANAS VALLS, CARLES
	Examiner Thomas M. Lithgow	Art Unit 1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

THOMAS M. LITHGOW  
PRIMARY EXAMINER  
GROUP 1724

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

Applicant is requested to submit the prior art noted in the "Background of the Invention" section of the specification.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Smith (US 3420376) or Reiner (US 3767050) further in view of any one of Garrigos Ruiz (US 5762785) or Mendelow (US 3513981) or Schneer (US 3828932). Either of Smith '376 or Reiner '050 disclose the combination of a sand filter and pump for cleaning swimming pool water. The pump is noted to be on a "footing" as recited in claim 1. Smith '376 and Reiner '050 both employ external valving arrangements to allow the sand filter to be backwashed on a periodic basis. Any one of the three secondary patents disclose the compact arrangement of employing a "distributor" –AKA valve unit- at the top of the swimming pool sand

filter which replaces most of the gangly and unsightly exterior piping and valves employed by the Smith '376 or Reiner '050. To so modify the primary references with such an advancement would have been obvious to one of ordinary skill in the art.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art (any combination) as applied to claim 1 above, and further in view of Ibanez Sapina (US 6173743). Ibanez Sapina '743 discloses a rotary valve for swimming pool filter which includes a projection 35 which mates to groove 39 in the body to prevent accidental rotation of the cap. As such is desirable, it would have been obvious to employ such a feature on the prior art filter caps.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art (any combination) as applied to claim 1 above, and further in view of Edmiston (US 3493116). Although some what older technology, the use of a grid conforming the periphery of the filter container in a swimming pool sand filter is taught by Edmiston '116- see grid 36. Such a grid underdrain is a known equivalent of the more common cylindrical underdrains in Reiner '050 or the bottom grid in Smith '376. To substitute a known

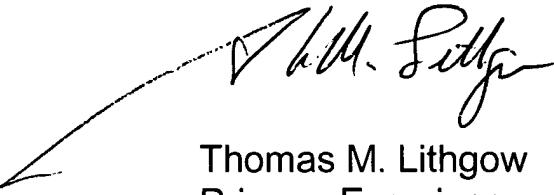
equivalent for another would have been obvious to one of ordinary skill in the art.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art (any combination) as applied to claim 1 above, and further in view of Thiem (US 4240174) or St. Martin (US 4581075). The vertical orientation of the pump filter combination as recited in claim 4 is taught by either of Thiem '174 or St. Martin '075. This orientation has a smaller footprint than side-by-side orientations and is desirable when space is limited. As such it would have been obvious to employ the orientation of Thiem '174 or St. Martin '075.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Lithgow whose telephone number is 571-272-1162. The examiner can normally be reached on Mon. -Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on 571-272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas M. Lithgow  
Primary Examiner  
Art Unit 1724

TML